

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ISRAEL LOPEZ,

Plaintiff,

v.

ERIC ARMSTREAD, et al.,

Defendants.

Case No. 3:13-cv-00294-MMD-VPC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke's ("R&R") (dkt. no. 54) relating to defendants' motion for summary judgment (dkt. no. 54). No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,

1 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
2 view that district courts are not required to review "any issue that is not the subject of an
3 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
4 the court may accept the R&R without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at
5 1226 (accepting, without review, a magistrate judge's recommendation to which no
6 objection was filed).

7 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
8 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R
9 and records in this case, this Court finds good cause to adopt the Magistrate Judge's
10 R&R in full.

11 It is therefore ordered, adjudged and decreed that the R&R of Magistrate Judge
12 Valerie P. Cooke (dkt. no. 54) is accepted and adopted in its entirety.

13 It is further ordered that defendants' motion for summary judgment (dkt. no. 36) is
14 granted.

15 It is further ordered that the Clerk enter judgment and close this case.

16 DATED THIS 11th day of May 2015.
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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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